IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 9614 of 2004

Between:

Sri K.V.V.Prasada Rao, S/o K.S.V.Prasad Rao,

Aged about 50 years, Occ:Agriculture,

R/o H.No.1-3/4/3, Kondapur village,

Serilingampally Mandal, R.R.District.

..... PETITIONER

AND

1 The Joint Collector, Ranga Reddy District.
2 The M.R.O.,Serililngampally Mandal, Ranga Reddy District.
3 Sri Movva Ramakrishna, S/o.M.Nageshwar Rao,
R/o.S.F.5.,NSL Residency,Chaitanyapuri, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction more particularly one in the nature of writ of certiorari calling for records relating to the order passed by the 1st respondent authority vide proceedings No.D5/2452/2002 dt.27-04-04, and quash the same as arbitrary, illegal, null and void, with out jurisdiction and is against the principles of natural justice and violating the Art. 14 of Constitution of India and to pass appropriate orders.

Counsel for the Petitioner: MR.SRINIVASA RAO PACHWA

Counsel for the Respondent No.1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3: MOVVA RAMA KRISHNA(not present) party in person

The Court, at the interlocutory stage, made the following :

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

WRIT PETITON NO.9614 OF 2004

ORAL ORDER:

Though the matter is listed under the caption “Interlocutory”, with the consent of the learned counsel for the petitioner and the learned Government Pleader for Revenue, appearing on behalf of the respondents 1 and 2, and having regard to the triviality of the dispute involved, the writ petition itself is disposed of by this order.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 and 2.

3. The 3rd respondent, though filed a caveat, is not present.

4. The issue involved in this writ petition is very small.

5. The facts of the case, in brief, are that the petitioner allegedly entered into an agreement of sale with one M.V.Raghavaiah in the year 1968. Subsequently, the said Raghavaiah died. Muvva Anjamma, wife of the said individual in the capacity of the legal heir and successor of the property entered into a settlement with the petitioner and a deed of settlement, dated 08.08.1998, to that effect was also executed.

6. Be that as it may, the 3rd respondent, on the alleged ground of interference of the petitioner with his rightful possession, made an application, under Section-9 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971, to the 1st respondent seeking correction of certain entries in the revenue records.

7. It is not in dispute that even before such an application had been made by the 3rd respondent, the petitioner filed O.S.No.186 of 2003 on the file of II Additional District Judge, Ranga Reddy District, and the same is pending. It appears that interim injunction was also granted by the said Court in favour of the petitioner.

8. While things stood thus, a memo had also been filed before the 1st respondent bringing to his notice about the pendency of the said suit and the interim directions granted by the Civil Court, despite which, the impugned order, making certain corrections as prayed for by the 3rd respondent, was passed by the 1st respondent.

9. The action on the part of the 1st respondent in passing such an order is totally misconceived for the following reasons:-

10. *Firstly,* 1st respondent had a definite knowledge about the filing of the suit and pendency of the same before the competent civil Court from the memo filed by the petitioner.

11. *Secondly,* the suit was a comprehensive suit i.e. for declaration of title, permanent injunction etc., and therefore, all the issues including the title between the petitioner and the 3rd respondent have got to be decided by a competent civil Court in a suit, which is admittedly pending.

12. *Thirdly*, the 1st respondent ought not to have entertained the application filed by the 3rd respondent under Section-9 of the Record of Rights Act when *inter se* disputes in a comprehensive way are pending before the competent civil Court by way of a suit.

13. *Fourthly*, the action of the 1st respondent in passing the impugned order would also amounts to usurping the jurisdiction of a civil Court when a civil suit is pending before a competent civil Court.

14. For the foregoing reasons, the impugned order, dated 27.04.2004, passed by 1st respondent, is liable to be set aside and is accordingly set aside.

15. Accordingly, the writ petition is disposed of at the interlocutory stage. No order as to costs.

15th JULY 2004

DR/BUD

To

1 The Joint Collector, Ranga Reddy District.
2 The M.R.O.,Serililngampally Mandal, Ranga Reddy District.
3 Two CCs to Govt. Pleader for Revenue, High Court Buildings,

Hyderabad. (OUT)

4 Two CD copies.